

Charter Amendment Election Questions and Answers

Why did the City Council order a Charter amendment election for November 2, 2010?

The City Charter calls for the creation of a Charter Review Commission every 10 years to review the City Charter and to make recommendations for changes. The City Council appointed a Commission in November 2009. The Commission met over a period of several months, conducted numerous public hearings, and in May 2010 submitted its recommended changes to the City Council. The Council reviewed the Commission's report and recommendations, conducted a number of public hearings and meetings regarding possible Charter amendments, and voted to follow the Commission's recommendation to call a Charter amendment election to allow voters to decide on several possible amendments to the Charter. [Charter Commission Final Report](#)

Does the City Council decision to order an election mean the members of the Council support the proposed amendments to the Charter?

No. The City Council decision was solely to order an election on the proposed Charter amendments to allow Addison voters to vote on the proposed amendments.

What would change if the proposed amendment to Section 11.04 of the Charter involving the location of the sale of alcoholic beverages for off-premises consumption is approved?

Addison voters approved the sale of alcoholic beverages at a wet-dry election held within the City in 1976, making Addison "wet" for all purposes. In 1982, voters approved an amendment to the City Charter that added Section 11.04 and restricted the location of the sale of alcoholic beverages for off-premises consumption to a specific geographic area generally comprising the west side of Inwood Road between the southern Addison City limits and the right-of-way of Belt Line Road.

The November 2, 2010 special election will allow voters to consider approval of an amendment to Section 11.04 regarding the location of the sale of beer and wine for off-premises consumption. If approved, this "beer and wine amendment" would result in the Charter no longer restricting or limiting the location of the sale of beer and wine for off-premises consumption to the Inwood road area.

If the amendment to Section 11.04 of the Charter is approved at the election, what control will Addison have over locations selling beer and wine?

As noted above, if the "beer and wine amendment" is approved by voters, the Charter will no longer restrict or limit the location of the sale of beer and wine for off-premises consumption to the area adjacent to Inwood Road. However, other controls, such as existing State laws, zoning regulations and the City's sign ordinance, will continue to apply to businesses that seek to sell beer and wine for off-premises consumption.

For example, current zoning regulations provide that the sale of beer and wine for off-premises consumption may be permitted only in a local retail zoning district provided a special use permit authorizing the sale is approved by the City. For beer and wine for off-premises consumption to be sold in other zoning districts, the zoning ordinance would have to be amended to extend the special use permit regulations to those zoning districts, such as planned development districts. Zoningmaps.addisontx.gov

What is a special use permit, and what is the process for approval of one?

The City's zoning ordinance contains a number of zoning districts, such as residential districts, a local retail district, and commercial districts. Each of those districts allows certain land uses as a matter of right, but others are allowed only if a special use permit is approved by the City Council. A property owner can apply for a special use permit in accordance with the zoning ordinance, and the application will be considered, after notice to the public and the holding of public hearings by the City's Planning and Zoning Commission and by the City Council. A number of land use factors can be considered in determining whether or not to approve a special use permit, including parking, traffic, surrounding land uses, and noise. An applicant for a special use permit to sell beer and wine for off-premises consumption would follow this process, like any other business seeking a special use permit.

Could the proposed amendment to Section 11.04 of the Charter be challenged in court?

A party with legal standing could challenge the proposed amendment following its approval by voters.

What does the "repeal" language in the proposed amendment to Section 11.04 mean?

The proposed amendment to Section 11.04 includes a provision that states that if a court determines any portion of Section 11.04 to be invalid, then Section 11.04 will be deemed repealed in its entirety. If Section 11.04 was repealed, the Charter would no longer include any location restrictions on the sale of all alcoholic beverages for off-premises consumption. Stores selling alcoholic beverages would still have to comply with the City's zoning laws, sign ordinance and State laws.

[Charter Election Proposition](#)

Will more locations selling beer and wine cause a crime problem?

This is unknown. The City's Chief of Police has stated that an increased crime problem does not currently exist in the area along Inwood Road where the sale of alcoholic beverages for off-premises consumption is currently conducted.

If the amendment to Section 11.04 is approved, will the change to the charter bring more supermarkets to Addison?

This is unknown. The City is not currently aware of any plans for additional supermarkets in Addison.

Will additional stores selling beer and wine increase the City's sales tax revenue?

This is unknown.

What other issues will be on the ballot?

The election includes two other proposed amendments to the Charter. One calls for making minor, non-substantive changes to the Charter to clarify language, correct typographical or spelling errors and otherwise make the language more clear and consistent. The other clarifies language to authorize the City to promote economic development in accordance with state law.

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By way of illustration, the Tom Thumb Food & Pharmacy store located at 14280 Marsh Lane is currently zoned local retail; in order to be able to sell beer and wine for off-premises consumption at that location, the City would first need to approve a special use permit authorizing the sale. On the other hand, the Kroger store located at 3770 Belt Line Road, the Target store located at 3730 Belt Line Road, and the Sam’s Club store located at 4150 Belt Line Road, are each currently zoned PD Planned Development District; in order to be able to sell beer and wine for off-premises consumption at those locations, each of those Planned Development zoning districts would first have to be amended by the City to include the special use permit regulations, and a special use permit authorizing the sale would then need to be approved.